

# **Exhibit G**

AdminaStar Federal (Eiler, Cheryl) - Vol. IV  
Indianapolis, IN

September 23, 2008

463

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL )  
INDUSTRY AVERAGE WHOLESALE )  
PRICE LITIGATION, )  
 ) MDL NO. 1456  
U.S. ex re. Ven-A-Care of ) CIVIL ACTION:  
the Florida Keys, Inc., v. ) 01-CV-12257-PBS  
Abbott laboratories, Inc., ) Judge Patti B. Saris  
et al. No. 06-CV-11337-PBS )

The videotaped deposition upon oral examination  
of ADMINASTAR FEDERAL BY CHERYL EILER, a witness  
produced and sworn before me, Paula A. Morgan, Notary  
Public in and for the County of Hamilton, State of  
Indiana, taken on the 23rd day of September, 2008, in  
the offices of National Government Services, 8115  
Knue Road, Marion County, Indiana, pursuant to the  
Federal Rules of Civil Procedure. This deposition  
was taken on behalf of the United States of America  
in the above-captioned matter.

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7 (Pages 484 to 487)

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|---|--|
| <p style="text-align: right;">484</p> <p>1 A. We --</p> <p>2 MS. RAMSEY: Objection.</p> <p>3 A. We, even when we started the database, we</p> <p>4 still get the hard copy. So we still get the</p> <p>5 monthlies and the annual. And that was a source</p> <p>6 that was reliable as far as when we would get it</p> <p>7 each month or each quarter.</p> <p>8 Q. And, to your knowledge, did other</p> <p>9 carriers or DMERCs use RedBook?</p> <p>10 MS. GIULIANA: Objection. Form.</p> <p>11 A. Yes.</p> <p>12 Q. Did you develop an understanding as to</p> <p>13 whether or not RedBook was a recognized source of</p> <p>14 pricing information in the drug industry?</p> <p>15 MR. HECK: Objection.</p> <p>16 A. Yes.</p> <p>17 Q. And what was that understanding?</p> <p>18 A. Because --</p> <p>19 MS. GIULIANA: Objection.</p> <p>20 THE WITNESS: I'm sorry?</p> <p>21 MR. HENDERSON: The objection is noted.</p> <p>22 Go ahead.</p>  | <p style="text-align: right;">486</p> <p>1 Q. And if you had two or more generic drugs</p> <p>2 that fit the description, how did you calculate the</p> <p>3 fee?</p> <p>4 A. You put all that data on a sheet or made</p> <p>5 your calculation, and then you would do the median</p> <p>6 of the generics.</p> <p>7 Q. And the median is the middle price --</p> <p>8 A. Price.</p> <p>9 Q. -- in a group, correct?</p> <p>10 A. Yes.</p> <p>11 Q. If there was only one NDC that fit the</p> <p>12 narrative description, what would you do in that</p> <p>13 situation?</p> <p>14 A. You would use only that fee because</p> <p>15 that's all you had.</p> <p>16 Q. And what about if there was an even</p> <p>17 number of generics that fit the description? How</p> <p>18 would you calculate the median in that case?</p> <p>19 A. If you -- say, for example, you had four</p> <p>20 -- four drugs. You would take number two and three</p> <p>21 and do an average.</p> <p>22 Q. When you selected the NDCs from the</p> |
| <p style="text-align: right;">485</p> <p>1 A. When CMS gave us the instructions as far</p> <p>2 as how to calculate the drugs, that was a source</p> <p>3 they gave us. So you went by the sources that they</p> <p>4 instructed you to use.</p> <p>5 Q. Okay. Now, in general, for generic</p> <p>6 drugs, tell us in one sentence or two, very briefly</p> <p>7 -- and we'll discuss it in more detail -- how you</p> <p>8 determined the allowed amount for a particular</p> <p>9 drug.</p> <p>10 A. When we looked at the product name, as</p> <p>11 far as the description from the HCPCS code, you</p> <p>12 would look in the RedBook. If it was an uppercase,</p> <p>13 capitalized, or a lowercase, that's how you</p> <p>14 determined if it was a generic or a brand. And</p> <p>15 that was the instructions given to us.</p> <p>16 Q. And then what did you do with that</p> <p>17 information that you got out of the RedBook?</p> <p>18 A. We then calculated the fee based on the</p> <p>19 narrative description as far as if it stated for</p> <p>20 five milligrams, ten milligrams. That's the</p> <p>21 products you used in order to calculate your fee.</p> <p>22 And you used the AWP fee for that.</p> | <p style="text-align: right;">487</p> <p>1 RedBook to include in these calculations, I think</p> <p>2 you said you would select them based on the</p> <p>3 narrative description of the J-code.</p> <p>4 A. Yes.</p> <p>5 Q. Is that right? Was the narrative</p> <p>6 description always perfectly clear for purposes of</p> <p>7 selecting the NDCs?</p> <p>8 MR. HECK: Objection.</p> <p>9 A. No.</p> <p>10 MR. HECK: Form.</p> <p>11 A. No.</p> <p>12 Q. Sometimes did you have to use some</p> <p>13 judgment in selecting the appropriate NDCs?</p> <p>14 A. Yes. And that judgment, I would look at</p> <p>15 our Physician's Desk Reference book that lists the</p> <p>16 drug products, gives you information on that. And,</p> <p>17 also, I would check with our medical director, Dr.</p> <p>18 Oleck, if I was not sure --</p> <p>19 Q. All right.</p> <p>20 A. -- before I would use --</p> <p>21 Q. And when you determined pricing for</p> <p>22 generic drugs, did there come a time when you also</p>            |

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| <p style="text-align: right;">544</p> <p>1 correctly?</p> <p>2 A. Yes.</p> <p>3 Q. Then the next sheet, which is the second</p> <p>4 quarter of 2000, which means there would have been</p> <p>5 two missing arrays in between these two pages, it</p> <p>6 has the three Dey drugs, all of which appear to be</p> <p>7 the same, with the same price per milligram prices;</p> <p>8 is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And then instead of Compumed, the</p> <p>11 second-page array has Alpharma and an indication</p> <p>12 that the -- there was a change in the fee for that</p> <p>13 particular drug. Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. And then it has three Roxane drugs, and</p> <p>16 those appear to be the same drugs and the exact</p> <p>17 same prices as on the first page; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. And then there are two Physician Total</p> <p>20 Care drugs, which also appear to be exactly the</p> <p>21 same as on the first page, and then the median is</p> <p>22 the same.</p>  | <p style="text-align: right;">546</p> <p>1 update the date of the footer?</p> <p>2 A. Yes.</p> <p>3 MR. HECK: Objection.</p> <p>4 A. A lot of times when I did my</p> <p>5 spreadsheets, I would copy them from one worksheet</p> <p>6 to the next worksheet, and I would not change some</p> <p>7 of my footers.</p> <p>8 Q. Okay.</p> <p>9 A. I was more interested in getting the</p> <p>10 source right and the date that I changed it.</p> <p>11 Q. Yep.</p> <p>12 MR. HENDERSON: Okay. Now I would like</p> <p>13 to ask the stenographer to mark this next document</p> <p>14 as Exhibit U.S. Eiler 10.</p> <p>15 (Exhibit U.S. Eiler 010 was marked</p> <p>16 for identification.)</p> <p>17 Q. So I've -- you've been handed what's been</p> <p>18 marked as Exhibit U.S. Eiler No. 10. Is this --</p> <p>19 this is a two-page sheet with Bates stamp numbers</p> <p>20 AWP033-0737 and 0738.</p> <p>21 Ms. Eiler, this has a header at the top that</p> <p>22 appears to indicate October 2001. What, if</p>  |
| <p style="text-align: right;">545</p> <p>1 So if one were to reconstruct the two missing</p> <p>2 arrays that are in between these two, what would</p> <p>3 you expect to find?</p> <p>4 MS. GIULIANA: Objection. Form.</p> <p>5 A. I would expect to find that when I looked</p> <p>6 at the RedBook, the Alpha -- I'm sorry. The new</p> <p>7 product that was on the second page would have been</p> <p>8 included in one of those RedBooks. And they still</p> <p>9 would not have had the Compumed listed in the</p> <p>10 RedBook.</p> <p>11 Q. Yep.</p> <p>12 A. And I would still have the same products,</p> <p>13 as far as what's on these sheets, that were not</p> <p>14 those two that were different.</p> <p>15 Q. Okay. On the second page, the effective</p> <p>16 date is shown as April 1 of 2000. And what quarter</p> <p>17 would that indicate that this became effective?</p> <p>18 A. In my second quarter of 2000.</p> <p>19 Q. Okay. I see in the footer, in the lower</p> <p>20 right-hand corner, it has a footer of July 1, 1999,</p> <p>21 which is the same as the footer on the first page.</p> <p>22 Is this an example where you may have neglected to</p> | <p style="text-align: right;">547</p> <p>1 anything, does that tell you about the date when</p> <p>2 this array became effective?</p> <p>3 A. The October -- the header being October</p> <p>4 '01 means this is the quarter that I did this data,</p> <p>5 looked at this data. When I used the headers, it's</p> <p>6 based off of the tab that my spreadsheet had on it.</p> <p>7 And also by the July 2001 source, that tells me</p> <p>8 that was my October update.</p> <p>9 Q. Now, in this array, which appears to</p> <p>10 carry on, onto the second page, this has the three</p> <p>11 Roxane drugs that appear to be the same ones we saw</p> <p>12 a little earlier, in an earlier array. And then in</p> <p>13 the column -- in the panel for brand-name drugs</p> <p>14 there are three drugs that we haven't seen before</p> <p>15 in any of the earlier arrays we've talked about,</p> <p>16 for Ipratropium Bromide-Novaplus/Roxane. Do you</p> <p>17 see those?</p> <p>18 A. Yes.</p> <p>19 Q. Now, in the -- in the RedBook, how do you</p> <p>20 -- how do you identify what is a brand-name drug</p> <p>21 and what is a generic drug?</p> <p>22 A. In the RedBook, if it was capitalized,</p> |

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| <p style="text-align: right;">548</p> <p>1 that meant it was a brand name. If it was smaller<br/>2 case, that meant it was a generic.<br/>3 Q. Okay. And if there is a -- if the<br/>4 RedBook shows a cross-reference to a drug that's<br/>5 identified in all capital letters, does that<br/>6 indicate whether it's a brand or a generic?<br/>7 A. If it was all capital letters, to me,<br/>8 that meant it was a brand.<br/>9 Q. Okay. Now, if the -- if the AWP's for the<br/>10 three Novaplus/Roxane drugs had been -- and I'm<br/>11 looking at the price per milligram AWP, which is<br/>12 shown on the second page. Can you line up those<br/>13 columns?<br/>14 A. Uh-huh.<br/>15 Q. Instead of -- if they had been, instead<br/>16 of \$3.52, if per milligram AWP's had been, say, \$1,<br/>17 what effect, if any, would that have had on the<br/>18 price that you determined for this J-code?<br/>19 MR. HECK: Objection.<br/>20 MS. GIULIANA: Form.<br/>21 A. It would have made a difference because<br/>22 it would have been lower than the generic. So we</p>                | <p style="text-align: right;">550</p> <p>1 determine the status of that drug?<br/>2 MS. RAMSEY: Objection.<br/>3 A. I didn't look basically on the price<br/>4 because I was looking at whether it was generic or<br/>5 whether it was brand. I didn't compare what the<br/>6 two different prices would have been. The only way<br/>7 I would have looked any further is if I could not<br/>8 have distinguished whether it was a generic or a<br/>9 brand.<br/>10 Q. Okay. So in this instance is it fair to<br/>11 say that probably it would not have made any<br/>12 difference had that price been lower for the<br/>13 Novaplus?<br/>14 MR. HECK: Objection.<br/>15 A. As far as -- the only difference would<br/>16 have been if it should have been generic instead of<br/>17 brand and I put it in the wrong column. But other<br/>18 than that, no.<br/>19 Q. Okay. Just to clarify -- because I don't<br/>20 think my question was clear enough.<br/>21 A. I'm sorry.<br/>22 Q. And, therefore, your answer may not have</p>                  |
| <p style="text-align: right;">549</p> <p>1 would have used those prices instead of the<br/>2 generic.<br/>3 Q. So if the price per milligram for the<br/>4 Roxane Novaplus drugs had been \$1, what would have<br/>5 been the allowed amount?<br/>6 MR. HECK: Objection.<br/>7 A. It would have been a dollar -- well, 95<br/>8 percent of a dollar, so it would be 95 cents.<br/>9 Q. Okay. And would that allowed amount,<br/>10 again, have applied to all of the drugs reimbursed<br/>11 under that J-code?<br/>12 MR. HECK: Objection.<br/>13 A. Yes, for that time frame.<br/>14 Q. Now I want to suggest to you, Ms. Eiler,<br/>15 that Novaplus actually has always been a generic<br/>16 product, not a brand product. And that if one -- I<br/>17 want you to assume that if one had done additional<br/>18 research, the generic status of that drug might<br/>19 have been discovered. If the -- if the per<br/>20 milligram AWP price for that Novaplus drug had been<br/>21 significantly lower, say a dollar, would that have<br/>22 caused you to do any additional research to</p> | <p style="text-align: right;">551</p> <p>1 been clear enough. Is it your testimony that had<br/>2 the price per milligram of the Roxane Novaplus<br/>3 products been around a dollar, for example, that<br/>4 probably would not have made any -- that probably<br/>5 would not have caused you to do any additional<br/>6 research into whether or not that was a generic or<br/>7 a brand?<br/>8 A. No.<br/>9 MR. HENDERSON: Now I'd like to have the<br/>10 stenographer mark this next document as Exhibit<br/>11 U.S. Eiler 11.<br/>12 (Exhibit U.S. Eiler 011 was marked<br/>13 for identification.)<br/>14 Q. Now we've shown you U.S. Eiler 11, which<br/>15 is an array. And, Ms. Eiler, I'll represent to you<br/>16 that your summary spreadsheet, which is Exhibit 5,<br/>17 indicates that this is an array for the third<br/>18 quarter of 2002. And if you look at the header at<br/>19 the very bottom, in the center of the first page,<br/>20 what does that indicate?<br/>21 A. That this was my spreadsheet for July<br/>22 2002.</p> |

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| <p style="text-align: right;">596</p> <p>1 is about. The first one has a Bates number of<br/>2 AWP033-0436.<br/>3 A. Okay. I must be looking at the wrong --<br/>4 Q. All right. Are you looking at 119, which<br/>5 is all of the ipratropium -- I'm sorry, 118. I'm<br/>6 very sorry.<br/>7 A. No, I was looking at 119.<br/>8 Q. Yep. And that's my fault. I'm sorry<br/>9 about that.<br/>10 MR. HENDERSON: Okay. Let's start over,<br/>11 Jared. What entry on this spreadsheet are you<br/>12 referring to again?<br/>13 MR. HECK: We're looking at second<br/>14 quarter of 2000 on the spreadsheet, which is on<br/>15 Page 13 of 16 in U.S. Eiler Exhibit 5. And I'm<br/>16 also asking her to look at Roxane Exhibit 118 --<br/>17 once again, my apologies -- and flip to the page --<br/>18 the first page that indicates an effective date of<br/>19 April of 2000.<br/>20 A. Okay. And that was the AWP --<br/>21 Q. 033-0436.<br/>22 A. Okay.</p> | <p style="text-align: right;">598</p> <p>1 I'm sorry, the actual arrays, which are in Roxane<br/>2 Exhibit 118, it looks like that array has more<br/>3 prices under the generic column than the one on the<br/>4 previous page; is that right?<br/>5 A. Yes.<br/>6 Q. Okay. Now, you're indicating, at least<br/>7 in this note, that those prices in the April 2000<br/>8 array are not on the RedBook printout that you used<br/>9 for that quarter; is that right?<br/>10 A. That's what I've stated, yes.<br/>11 Q. Okay. Now, do you know why these<br/>12 additional prices would not have been considered in<br/>13 the AWP033-434 and 435 document?<br/>14 A. Without going back and looking at the<br/>15 previous and then looking at the RedBook that I<br/>16 copied, that I don't have in front of me right at<br/>17 the moment, I would have to compare them to see<br/>18 why.<br/>19 Q. Okay. But it's your understanding, since<br/>20 going back and looking through these, that the<br/>21 second document -- or, I'm sorry, the second array<br/>22 in Roxane Exhibit 118 would not have been the one</p> |
| <p style="text-align: right;">597</p> <p>1 Q. Okay. Do you see that?<br/>2 A. Yes.<br/>3 Q. Now, I don't know if you recall from last<br/>4 time, but I asked you -- because if you look at the<br/>5 next two pages of this exhibit, which is Roxane<br/>6 Exhibit 118, those also have a header of April of<br/>7 2000. Do you see that?<br/>8 A. Yes.<br/>9 Q. Okay. And last time you indicated that<br/>10 one of these documents would have been in the array<br/>11 but not the other one; is that right?<br/>12 A. Yes.<br/>13 Q. Now, if you look at your spreadsheet,<br/>14 which is, once again, U.S. Eiler Exhibit 5, you<br/>15 indicate in the comments column for the second<br/>16 quarter of 2002 that AWP033-0434 to 435 is not<br/>17 final. And you indicate a RedBook printout to look<br/>18 at; is that right?<br/>19 A. Sorry. Just a second.<br/>20 Q. Sure.<br/>21 A. Yes.<br/>22 Q. Now, if you look at these exhibits -- or,</p>    | <p style="text-align: right;">599</p> <p>1 you used?<br/>2 A. Correct.<br/>3 Q. And that's because you compared it to the<br/>4 RedBook printout that you had for the January 2000<br/>5 database; is that right?<br/>6 A. Correct.<br/>7 Q. Okay.<br/>8 A. And like I had stated when you showed me<br/>9 these, without knowing what was in my folder with<br/>10 it, I could not accurately state that that was the<br/>11 final.<br/>12 Q. Okay. And so you went back and compared<br/>13 it to the folder that you had; is that right?<br/>14 A. Yes.<br/>15 Q. Okay. Now, I just have probably two more<br/>16 questions left for you, and I'm going to ask them<br/>17 about U.S. Eiler Exhibit 11, which is the last<br/>18 document that Mr. Henderson gave you.<br/>19 MR. HENDERSON: Hang on. Let's find it.<br/>20 MR. HECK: Sure.<br/>21 A. Okay.<br/>22 Q. Okay. Now, if you recall with Mr.</p>  |

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| 600  | 602   |
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| <p>1 Henderson -- or I'm sorry. As you recall, Mr.<br/>2 Henderson pointed out to you that there are six<br/>3 entries in the brand name column for Ipratropium<br/>4 Bromide-Novaplus/Roxane. Do you see those?<br/>5 A. Yes.<br/>6 Q. And he indicated to you that those are<br/>7 actually generic drugs, but you indicated them as<br/>8 brand; is that right?<br/>9 A. Yes.<br/>10 Q. Now, you indicated -- and please correct<br/>11 me if I'm wrong. You determined if a drug was<br/>12 branded or generic by seeing if it was all capitals<br/>13 in the RedBook; is that right?<br/>14 A. Correct.<br/>15 Q. Now, if you flip to the next page of this<br/>16 exhibit, it appears that all of the product names<br/>17 are in all caps; is that right?<br/>18 A. But this was off the database. On the<br/>19 database you have --<br/>20 Q. Well -- I'm sorry. Continue.<br/>21 A. On the database you would look -- you<br/>22 have two different files. You have one that lists</p>   | <p>1 brand.<br/>2 Q. And that's not the page that we have --<br/>3 that we're looking at right now, though; is that<br/>4 right?<br/>5 A. This is the page that you get when you<br/>6 look up that difference. It doesn't -- they don't<br/>7 distinguish between upper and lower on the second<br/>8 page.<br/>9 Q. Okay. So you wouldn't have used this<br/>10 page in particular to determine if something was<br/>11 branded or generic; is that right?<br/>12 A. Can you repeat that, please.<br/>13 Q. Sure. The page that's Bates numbered<br/>14 AWP038-0705, which is Page 2 of U.S. Eiler Exhibit<br/>15 11, you wouldn't have used this page of the RedBook<br/>16 to figure out if something was branded or generic;<br/>17 is that right?<br/>18 A. I would have compared this to what I had<br/>19 previously, and then I would have used that<br/>20 knowledge to determine whether it was generic or<br/>21 brand because I --<br/>22 Q. And I'm sorry. I'm sorry. What do you</p>   |
| 601  | 603   |
| <p>1 all the products that are available and all the<br/>2 products that are brand. And we would look at the<br/>3 products that was on the database. They are a<br/>4 small print. So on the database, when you first<br/>5 look up this product, you have the option of small<br/>6 print or the capital, and the capital was in the<br/>7 brand, and the small print was the generics.<br/>8 Q. Okay. So it would have been on a<br/>9 different page of -- I'm sorry. What you're<br/>10 saying, if I understand correctly, is that there<br/>11 would have been a different prompt or a different<br/>12 page in the database that would have shown some<br/>13 drug names in lowercase and some in all capitals;<br/>14 is that right?<br/>15 A. As far as on the main menu screen, yes.<br/>16 Q. Okay. So you would look at that main<br/>17 menu screen when you determined if something was<br/>18 branded or generic; is that right?<br/>19 A. You would look -- you would pull up the<br/>20 one that has all of the listings on it. So the<br/>21 generic -- the one that was smaller case would have<br/>22 all products listed, whether it was generic or</p> | <p>1 mean by compare to what you have done previously?<br/>2 A. When we used -- when we set the fees, we,<br/>3 at that time, determined whether it was generic or<br/>4 brand. So we had no indication unless the RedBook<br/>5 told us that it changed from a generic to a brand.<br/>6 So if I was looking at this, based on my sheet<br/>7 that I had, I had them listed all as generic -- as<br/>8 a brand. Unless it's stated on my main menu screen<br/>9 that it changed to a generic, I would not have<br/>10 noticed that.<br/>11 Q. Okay. So you wouldn't have changed -- so<br/>12 if I understand correctly, you would have<br/>13 determined, the first time a drug was listed,<br/>14 whether it was branded or generic; is that right?<br/>15 A. Initially, yes.<br/>16 Q. And then the only way you would ever<br/>17 change that is if you saw some notation in the<br/>18 RedBook that indicated it had changed from branded<br/>19 to generic or vice versa; is that right?<br/>20 A. Correct.<br/>21 MR. HECK: Okay. I think that's all I<br/>22 have for questions. Thank you, Ms. Eiler.</p> |

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| <p>1 THE WITNESS: Thank you.</p> <p>2 THE VIDEOGRAPHER: We've got about six</p> <p>3 minutes of videotape left.</p> <p>4 MR. HENDERSON: Does anyone have six</p> <p>5 minutes of questions?</p> <p>6 MS. RAMSEY: Let's go off the record.</p> <p>7 THE VIDEOGRAPHER: This concludes tape</p> <p>8 three in the deposition of Cheryl Eiler today.</p> <p>9 We're off the record at 12:13.</p> <p>10 (A recess was taken.)</p> <p>11 THE VIDEOGRAPHER: We're back on the</p> <p>12 record at 1:21. This begins tape number four in</p> <p>13 the deposition of Cheryl Eiler.</p> <p>14 EXAMINATION,</p> <p>15 QUESTIONS BY MS. RAMSEY:</p> <p>16 Q. Welcome back, Ms. Eiler. My name is</p> <p>17 Hilary Ramsey, and I represent Abbott Laboratories.</p> <p>18 I have just a few follow-up questions for you.</p> <p>19 First, since your last day of deposition,</p> <p>20 which was at the end of August, what preparation</p> <p>21 have you done between then and now?</p> <p>22 A. The only thing I've done is gone back and</p>  | <p>1 do you recall which errors you corrected on your</p> <p>2 own?</p> <p>3 A. I -- as far as I noticed the errors or --</p> <p>4 Q. Yes.</p> <p>5 A. No, because I was keeping track on paper,</p> <p>6 and I wasn't saying who -- you know, I didn't keep</p> <p>7 note of whether I noticed it or Katie noticed it.</p> <p>8 Q. Okay. Anything else with regard to your</p> <p>9 preparation?</p> <p>10 A. No, ma'am.</p> <p>11 Q. We spoke earlier about the sharing</p> <p>12 arrangement that Region 5 had with respect to</p> <p>13 pricing. Do you recall that?</p> <p>14 A. Yes.</p> <p>15 Q. And I apologize if you said this before,</p> <p>16 but do you recall which years the sharing</p> <p>17 arrangement was in place?</p> <p>18 A. I would have to say it was from '94 to</p> <p>19 '97 because in '98 is when we started looking at</p> <p>20 it, the DMERCs, as far as, you know, different.</p> <p>21 Q. Are you aware of any other region that</p> <p>22 had a sharing agreement similar to that in Region</p>                       |
| 605   | 607   |
| <p>1 relook at the worksheet that I had at that time.</p> <p>2 Q. Have you met with your attorney or anyone</p> <p>3 from the Department of Justice?</p> <p>4 A. I talked to Mr. Henderson yesterday.</p> <p>5 Q. Anything else?</p> <p>6 A. No.</p> <p>7 Q. What about working with the paralegal at</p> <p>8 the Department of Justice?</p> <p>9 A. No, I haven't worked with her since we</p> <p>10 stopped the last time. Oh, I'm sorry. I</p> <p>11 apologize. Yes, I did talk to Katie on Thursday,</p> <p>12 and she gave me -- asked me to look at a couple of</p> <p>13 missed typos on my worksheet. But that's all.</p> <p>14 Q. So she directed you to certain errors in</p> <p>15 what's been marked as U.S. Eiler 5, and you made</p> <p>16 corrections according to her instructions?</p> <p>17 MR. HENDERSON: Objection.</p> <p>18 A. Some were her -- as far as her helping me</p> <p>19 transpose the numbers. I have trouble reading</p> <p>20 numbers sometimes, and it takes me a little bit to</p> <p>21 get them right.</p> <p>22 Q. Do you recall, looking at U.S. Eiler 5,</p> | <p>1 5?</p> <p>2 A. I was only aware of our region.</p> <p>3 Q. Now, you testified earlier that another</p> <p>4 carrier, WPS, was responsible for calculating the</p> <p>5 reimbursement amounts for J3370. Do you recall</p> <p>6 that?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Now, when -- when WPS was doing the</p> <p>9 calculations for J3370, would you still do your own</p> <p>10 calculations for this J-code?</p> <p>11 A. When we were doing the shared</p> <p>12 calculations, the only time I would go back and</p> <p>13 check another contractor's fee is if I had received</p> <p>14 a question about how was the fee calculated that</p> <p>15 was not one of mine. And that's the only time I</p> <p>16 would go back and research it.</p> <p>17 Q. Would you look at U.S. Exhibit 5 for</p> <p>18 J3370, for Quarter 3 for 1995. That's on the first</p> <p>19 page. It indicates that the array fee is \$18.81,</p> <p>20 but the comments fee indicates the WPS fee was</p> <p>21 \$7.80. Do you see that?</p> <p>22 A. Yes, ma'am.</p> |

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